

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Mitsuaki KAGEYAMA et al.)	Confirmation No.: 7580
)	
U.S. Application No.: 10/580,841)	Group Art Unit: 2877
)	
Filed: May 26, 2006)	Examiner: Unassigned
)	
For: PHOTODETECTOR AND SPECTROMETER)	
USING THE SAME)	

MAIL STOP PCT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS
UNDER 35 U.S.C. § 371 IN THE U.S. DESIGNATED/ELECTED OFFICE (DO/EO/US)

1. This replies to the Notification of Missing Requirements (Form PCT/DO/EO/905) mailed May 7, 2008.
2. Declaration Or Oath
 - ☒ No declaration or oath was filed. Enclosed is the original Combined Declaration and Power of Attorney.
 - ☐ The specification attached to the declaration is a copy of the specification and any amendments thereto which were filed in the PTO to obtain the filing date.
 - ☐ The declaration or oath which was filed was determined to be defective. A new original Combined Declaration and Power of Attorney is attached.
3. English Translation of Non-English Language Papers
 - ☐ Submitted herewith is a verified English translation of the non-English language application papers as originally filed. It is requested that this translation be used as the copy for examination purposes in the PTO.
 - ☐ Also enclosed is the Verification of Translation Document
4. Small Entity Statement(s)
 - ☐ Applicant(s) hereby assert small entity status.

5. Fee Calculation

Fee Calculation			Basic National Stage Fee:	Previously Paid
	Number Filed	Number Extra	\$310.00 at a Rate of	
Total Claims	6 - 20 =	0	\$50.00 each=	\$0.00
Independent Claims	1 - 3 =	0	\$210.00 each=	\$0.00
Multiple dependent claim(s), if any			\$370.00	\$0.00
Missing Requirements Surcharge Fee			\$130.00	\$130.00
Application Size Fee				\$0.00
\$260.00 for each additional 50 sheets that exceeds 100				
Application Search Fee			\$410.00	Previously Paid
Examination Fee			\$210.00	Previously Paid
SUB-TOTAL =			\$130.00	
Fee For Application Filed With A Non-English Specification (37 C.F.R. § 1.17(k) and § 1.52(d))			\$130.00	\$0.00
Fee For Processing Oath or Declaration naming different inventive entity than in international stage (37 C.F.R. § 1.497(d))			\$130.00	\$130.00
TOTAL FILING FEE =			\$260.00	

6. Extension of Time

The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136(a) apply.

- ☐ Applicants petition for an extension of time, the fees for which are set out in 37 C.F.R. §§ 1.17(a)-(d), for the total number of months checked below:

	<u>Total Months Requested</u>	<u>Extension Fee</u>	<u>Extension Fee [Small Entity]</u>
<input type="checkbox"/>	One month	\$120.00	\$60.00
<input type="checkbox"/>	Two months	\$460.00	\$230.00
<input type="checkbox"/>	Three months	\$1,050.00	\$525.00
<input type="checkbox"/>	Four months	\$1,640.00	\$820.00
<input type="checkbox"/>	Five months	\$2,230.00	\$1,115.00

Extension of time fee due with this request: \$ _____

If an additional extension of time is required, please consider this a Petition therefor.

- ☒ Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

7. Fee Payment

- ☐ A check to cover the above fees is enclosed
- ☒ Fees are to be charged to a credit card. **WARNING: Information on this form may become public. Credit card information should not be included on this form.**
Provide credit card information and authorization on PTO-2038.

- ☐ The Commissioner is hereby authorized to charge the total fee due to Deposit Account 50-0573.
- ☒ Except for issue fees payable under 37 C.F.R. §1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §1.16 and §1.17 which may be required, or credit any overpayment to Deposit Account No. 50-0573.

8. Additional papers enclosed.

- ☐ PCT/IB/338 (International Preliminary Report on Patentability)
- ☐ PCT/IB/373
- ☐ PCT/ISA/237
- ☐ PCT/ISA/210 (International Search Report dated)
- ☐ Information Disclosure Statement
- ☐ Form PTO-1449, non-US patent documents as listed
- ☒ Amendment and Request to Correct the Inventorship Pursuant to 37 C.F.R. § 1.497(D)
- ☒ Statement of Inventor Helmut Teichmann in Support of Amendment and Request to Correct the Inventorship Pursuant to 37 C.F.R. § 1.497(D)
- ☒ Statement of Inventor Dietmar Hiller in Support of Amendment and Request to Correct the Inventorship Pursuant to 37 C.F.R. § 1.497(D)
- ☒ Statement of Inventor Ulrich Starker in Support of Amendment and Request to Correct the Inventorship Pursuant to 37 C.F.R. § 1.497(D)
- ☒ Written Consent of Assignee in Support of Amendment and Request to Correct the Inventorship Pursuant to 37 C.F.R. § 1.497(D)

Respectfully submitted,

DRINKER BIDDLE & REATH LLP



Paul A. Fournier, Reg. No. 41,023

Date: July 7, 2008
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UNITED STATES PATENT AND TRADEMARK OFFICE

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3rd copy

U.S. APPLICATION NUMBER NO. 10/580,841	FIRST NAMED APPLICANT Mitsuaki Kageyama	ATTY. DOCKET NO. 468845481
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INTERNATIONAL APPLICATION NO. PCT/JP2004/017411	
I.A. FILING DATE 11/24/2004	PRIORITY DATE 11/28/2003

**CONFIRMATION NO. 7580
371 FORMALITIES LETTER**



Date Mailed: 05/07/2008

**NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371
IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as an Elected Office (37 CFR 1.495):

- Priority Document
- Copy of the International Application filed on 05/26/2006
- Copy of the International Search Report filed on 05/26/2006
- Preliminary Amendments filed on 05/26/2006
- Information Disclosure Statements filed on 05/26/2006
- U.S. Basic National Fees filed on 05/26/2006
- Priority Documents filed on 05/26/2006
- Specification filed on 05/26/2006
- Claims filed on 05/26/2006
- Abstracts filed on 05/26/2006
- Drawings filed on 05/26/2006

Docketed _____ Attorney _____
Case _____
Due Date _____
Action _____
By _____ Chk _____

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fees required for this application is **\$130** for a Large Entity:

- **\$130** Surcharge.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web.
<https://portal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html>

For more information about EFS-Web please call the USPTO Electronic Business Center at **1-866-217-9197** or visit our website at <http://www.uspto.gov/ebc>.

If you are not using EFS-Web to submit your reply, you must include a copy of this notice.

VALERIE D KINARD

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